

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS,)

Petitioner,)

vs.)

No. 94-002080 PS

JOHN F. CHAVES, Ph.D.,)

Respondent.)

JOINT STIPULATION OF FACTS AND WAIVER OF HEARING
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND
PROPOSED CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of Section 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by Section 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and jointly stipulate to the facts and proposed conclusions of law.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness

appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, John F. Chaves, Ph.D., knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts and Waiver of Hearing Before the Administrative Hearing Commission and Proposed Conclusions of Law.

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Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists is an agency of the State of Missouri created and established pursuant to §337.050, RSMo 1994, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.

2. Respondent is licensed by Petitioner as a psychologist. Respondent's license, numbered PY00491, is current and active and was so at all times relevant herein.

3. Respondent entered into a therapist-patient relationship with patient M.B. on or about April 3, 1984.

4. Respondent's therapist-patient relationship continued until on or about February 3, 1985.

5. Prior to the termination of the therapeutic relationship, Respondent engaged in a social relationship with Patient M.B. for which there were no therapeutic goals.

6. Social relationships interfere with the therapeutic process because the patient's and therapist's feelings and actions are often influenced by and reflect aspects of their non-therapy relationship.

7. Subsequently, Respondent terminated the therapeutic relationship because he was concerned that he was developing feelings towards M.B. that might interfere with the therapeutic relationship and because he wanted to explore the possibility of a romantic relationship with patient M.B.

8. Respondent and patient M.B. engaged in a romantic and sexual relationship immediately following the termination of the therapeutic relationship.

9. In a successful course of therapy a patient develops trust and a sense of dependency in the psychologist.

10. The trust and dependency typically may last well past therapy, and particularly endure when therapy is terminated prior to a full resolution of all issues.

11. For a psychologist to engage in a sexual relationship during the period when the trust and sense of dependency should be

expected to exist, risks significant harm.

JOINT PROPOSED CONCLUSIONS OF LAW

12. Cause exists for Petitioner to take disciplinary action against Respondent's license under §337.035.2(5) and/or (13), RSMo 1986 and RSMo 1994, which state in pertinent part:

2. The department [committee] may cause a complaint to be filed with the administrative hearing commission as provided by chapter 161 [621] RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

...

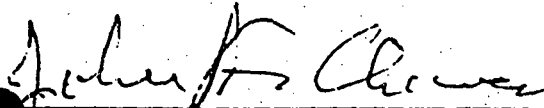
(5) . . . misconduct . . . in the performance of the functions or duties of any profession licensed or regulated by this chapter;

...


(13) Violation of any professional trust or confidence;

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts and Waiver of Hearing Before the Administrative Hearing Commission and Proposed Conclusions of Law.

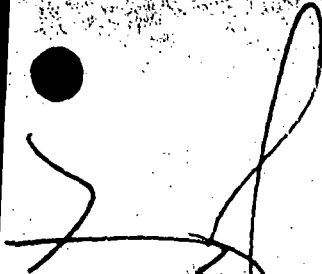
RESPONDENT

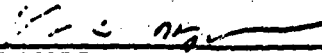

John F. Chaves

PETITIONER

By: 
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Executive Director

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BEFORE THE
STATE COMMITTEE OF PSYCHOLOGISTS

STATE COMMITTEE OF PSYCHOLOGISTS
3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102

Petitioner,

v.

JOHN CHAVES
8919 Woodacre Lane
Indianapolis, IN 46234

Respondent.

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No.

COMPLAINT

Petitioner, by and through the Attorney General of the State of Missouri, states for its cause of action against Respondent:

1. The State Committee of Psychologists ("the Committee") is an agency of the State of Missouri created and established pursuant to § 337.050, RSMo 1994, for the purpose of executing and enforcing provisions of Chapter 375.

2. The Respondent ("Licensee") was licensed by the Committee as a psychologist, License No. PY00491. Licensee's Missouri license was at all times relevant herein, and is now, current and active.

3. On or about February 5, 1996, Petitioner and Respondent filed a Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and Proposed Conclusions of Law ("Joint Stipulation") with the

Administrative Hearing Commission. A true and correct copy of the Joint Stipulation attached to the complaint as Exhibit A and incorporated herein by reference as if fully set forth in this document.

4. On or about February 7, 1996, the Administrative Hearing Commission entered a Consent Order finding the facts in the Joint Stipulation to be true and concluding that Respondent was subject to discipline under § 337.035.2(5), (13), RSMo 1986 and 1994. A true and correct copy of the Consent Order is attached to the complaint as Exhibit B and incorporated herein by reference as if fully set forth in this document.

5. On November 26, 1996, the Committee entered a Findings of Fact, Conclusions of Law and Disciplinary Order ("Disciplinary Order"). A true and correct copy of the Disciplinary Order is attached to the complaint as Exhibit C and incorporated herein by reference as if fully set forth in this document.

6. Pursuant to the Disciplinary Order, Respondent's license was placed on probation for a period of two years, effective November 26, 1996 and Respondent was publicly censured.

7. The terms of Respondent's probation are contained in the Disciplinary Order attached hereto as Exhibit C.

8. In accordance with the terms of the Disciplinary Order, Respondent must undergo an evaluation to assess current functioning and effects of such functioning on Respondent's ability to practice psychology. The evaluation must be conducted by a

psychologist approved by the Committee.

9. In accordance with the terms of the Disciplinary Order, Respondent shall submit a list of proposed psychologists to the Committee within twenty business days of November 26, 1996.

10. In accordance with the terms of the Disciplinary Order, Respondent shall begin the evaluation within thirty days of the Committee's approval of a proposed psychologist. Respondent must notify the Committee in writing of the start date of the evaluation.

11. Respondent has not submitted a list of proposed psychologists to the Committee.

12. Respondent has not notified the Committee in writing of the start of the evaluation.

13. Respondent's conduct is in violation of the terms and conditions of the Disciplinary Order, thus entitling Petitioner to impose further discipline.

WHEREFORE, Petitioner prays that the State Committee of Psychologists hold a hearing to determine whether or not Respondent has violated the terms of the Disciplinary Order, and, if such violation has occurred, to impose such additional discipline as the Committee deems appropriate.

Respectfully submitted,

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Attorney General

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